

10/58887

AP20 Rec'd PCT/PTO 09 AUG 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Date: August 9, 2006
Markus Eblenkamp et al. Group Art Unit:
Serial No.: Examiner:
Filed: Herewith Attorney Ref. LSG06316
For: METHOD AND DEVICE FOR THE CHARACTERIZATION OF CELLS,
CLUSTERS, AND/OR TISSUE

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97, 1.98

Sir:

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98, the following patents, publications, applications, and/or other information are being submitted and disclosed to the Office, including those listed on the enclosed Form PTO-1449, for consideration by the Examiner.

Applicants respectfully request that the disclosed information be made of record and expressly considered by the Examiner during examination of the pending application. Further, Applicants respectfully request that the disclosed items be listed on the face of any patent issuing from the pending application in the "references cited" column.

In accordance with 37 C.F.R. § 1.97 (g), the present information disclosure statement is not a representation that a search has been made.

In accordance with 37 C.F.R. § 1.97 (h), the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, material to patentability.

In accordance with MPEP § 609, Applicants respectfully request that if the present application is a continuing application, all information considered by the Office in the parent application be considered in the present application, although it need not be listed on the face of the patent unless resubmitted in this or another information disclosure statement filed in this application.

Finally, the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, prior art.

BASIS FOR CONSIDERATION BY THE OFFICE UNDER 37 C.F.R. § 1.97

37 C.F.R. § 1.97(b)

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief:

- (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d); or
- (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or
- (3) before the mailing of a first Office action on the merits; or
- (4) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

37 C.F.R. § 1.97(c)

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief, before the mailing of any of: a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application.

Applicants certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Applicants certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

OR

A check in the amount of _____ is enclosed.

Please charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account _____.

37 C.F.R. § 1.97(d)

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief, on or before payment of the issue fee.

Applicants certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Applicants certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

AND

A check in the amount of _____ is enclosed.

Please charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account _____.

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CONTENT OF INFORMATION DISCLOSURE STATEMENT 37 C.F.R. § 1.98

The present information disclosure statement includes any information noted above, along with a Form PTO-1449 (1 page).

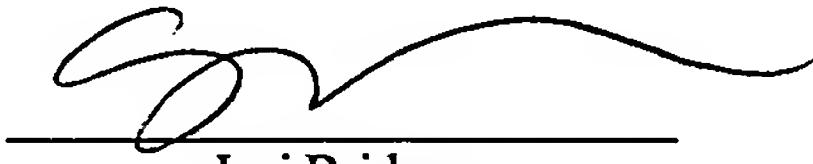
If applicable, a legible copy of the following is being included:

- (1) Each foreign patent or published foreign patent application, along with an English language abstract for all non-English foreign patent documents (identified by country or patent office, an appropriate document number, and the publication date).
- (2) Each publication (identified by published, author (if any), title, relevant pages of the publication, date, and place of publication).

If there are any questions regarding this submission, please contact the undersigned.

**"Express Mail" Mailing Label
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Date of Deposit – August 9, 2006**

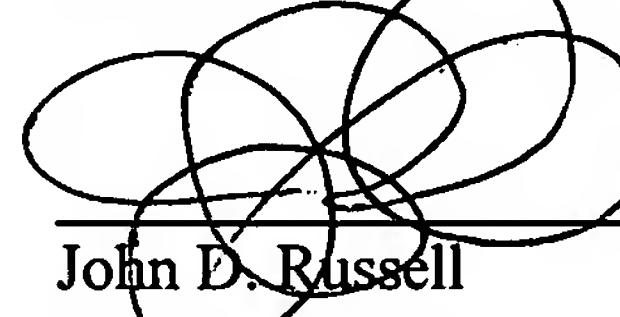
I hereby certify that the attached correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



Josi Bridges

Respectfully submitted,

**ALLEMAN HALL MCCOY
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FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	DOCKET NUMBER LSG06316	APPLICATION NUMBER 10/588887
	APPLICANTS Markus Eblenkamp et al.	
	FILING DATE Herewith	GROUP ART UNIT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE MM/DD/YYYY	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2001/041347	11/15/2001	Sammak et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE MM/DD/YYYY	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO
	EP0340783	11/08/1989	Europe				X
	EP0468705	01/29/1992	Europe				X
	EP1316793	06/04/2003	Europe				X

OTHER DOCUMENTS

EXAMINER	DATE CONSIDERED
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